

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

BARRY LYNN EIDSON,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. 1:22-cv-00049-DAD-SAB

ORDER VACATING FINDINGS AND
RECOMMENDATIONS
RECOMMENDING DENYING
PLAINTIFF’S APPLICATION TO
PROCEED *IN FORMA PAUPERIS* AND
DENYING PLAINTIFF’S APPLICATION
TO PROCEED *IN FORMA PAUPERIS* AS
MOOT

ORDER DIRECTING CLERK OF THE
COURT TO ISSUE SERVICE
DOCUMENTS AND NEW CASE
DOCUMENTS AND SERVE THE
SUMMONS AND COMPLAINT

(ECF Nos. 2, 4)

On January 11, 2022, Barry Lynn Eidson (“Plaintiff”) filed the complaint in this action seeking judicial review of the final decision of Defendant Commissioner of Social Security (“Defendant”) denying his application for benefits under the Social Security Act. (ECF No. 1.) Plaintiff also filed a motion to proceed *in forma pauperis*. (ECF No. 2.) On January 12, 2022, findings and recommendations issued recommending denying Plaintiff’s motion to proceed *in forma pauperis*. (ECF No. 4.) Plaintiff submitted the filing fee on January 23, 2022. Accordingly, the findings and recommendations will be vacated and the Clerk of the Court will be directed to issue a summons and new case documents in this action, and serve the Defendant.

On April 14, 2020, General Order Number 615 issued staying all Social Security actions filed after February 1, 2020, until the Commissioner may begin normal operations at the Office of Appellate Hearings Operations and may resume preparation of a certified copy of the administrative record. Pursuant to the general order, all cases are stayed upon filing unless otherwise ordered by the court. The Court finds that it is appropriate to direct service of the complaint in this action and the stay will go into effect upon service of the complaint.

Accordingly, IT IS HEREBY ORDERED THAT:

1. Plaintiff's application to proceed without prepayment of fees, filed January 11, 2022 (ECF No. 2), is DENIED as moot;
2. The findings and recommendations filed January 12, 2022 (ECF No. 4), are VACATED;
3. The Clerk of Court is DIRECTED to issue a summons and new case documents; and
4. The Clerk of Court is DIRECTED to deliver to the Commissioner of Social Security Administration and the United States Attorney's Office at their designated email addresses, a notice of electronic filing of this action along with the summons and complaint.

IT IS SO ORDERED.

Dated: January 24, 2022


UNITED STATES MAGISTRATE JUDGE